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BY: [Signature]

DATE: 7-24-01

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re: Patent Application of :  
Sean A. McCarthy et al. : Attention:  
: **Box Missing Parts**  
Appln. No.: 09/759,130 :  
: Group Art Unit:  
Filed: January 12, 2001 :  
For: NOVEL GENES ENCODING PROTEINS : Attorney Docket  
HAVING PROGNOSTIC, DIAGNOSTIC : No. 10147-66  
PREVENTIVE, THERAPEUTIC AND : (MPI2000-535OMNI)  
OTHER USES :

**TRANSMITTAL OF MISSING PARTS OF APPLICATION**  
**FILING DATE GRANTED**

In response to the Notice to File Missing Parts dated May 24, 2001, we submit herewith the following:

- ☒ Copy of the Notice to File Missing Parts of Application -- Filing Date Granted, mailed May 24, 2001.
- ☐ No Notice to File Missing Parts has been received.
- ☒ Executed Declaration and Power of Attorney.
- ☒ Nucleotide and/or Amino Acid Sequence Submission, including:  
☒ Computer readable copy ☒ Paper Copy ☒ Verified Statement
- ☐ Applicant(s), by its/their undersigned attorney, claim(s) Small Entity Status under 37 C.F.R. §1.27 as ☐ an Independent Inventor, or ☐ a Small Business Concern, or ☐ a Non-Profit Organization.
- ☐ Other: Petition for Extension of Time.

			SMALL ENTITY			LARGE ENTITY	
CLAIMS	NO. FILED	NO. EXTRA	BASIC FEE:			BASIC FEE:	
			\$355.			\$710	
Total	-20 =		X9	\$	OR	X18	\$
Independent	- 3 =		X40	\$	OR	X80	\$
<input type="checkbox"/> Multiple Dependent Claims Present			\$135	\$	OR	\$270	\$
			TOTAL	\$	OR	TOTAL	\$

- [X] The following fees noted below are being paid.
- [X] Surcharge of \$130 for late filing of filing fee and/or Declaration and Power of Attorney.
- [ ] Surcharge of \$130 for late filing of English translation.
- [ ] Extension of Time fee in the amount of \$\_\_\_\_.00 (Petition for Extension of Time is attached).
- [ ] Filing Fee in the amount of \$\_\_\_\_.00 calculated above.
- [X] Enclosed is our firm's check in the amount of \$130.00 for the above fee(s).
- [X] The Commissioner is hereby authorized to charge and/or credit Deposit Account No. 50-1017 (Billing No. 210147.0066) as noted below. A duplicate copy of this sheet is enclosed.
- [ ] The above-calculated fee(s) calculated totaling \$\_\_\_\_.00.
- [X] Any overpayments or deficiencies in the above-calculated fee(s).
- [X] Any additional fees required under 37 C.F.R. § 1.16 or § 1.17.
- [X] In the event that a Petition for Extension of Time is required during the prosecution of this application, but not submitted, please charge any extension fee under 37 C.F.R. § 1.136(a) to our Deposit Account noted above.

**CORRESPONDENCE ADDRESS**

24 July 2001  
(Date)

By: \_\_\_\_\_

**GARY D. COLBY, Ph.D., J.D.**

Registration No. 40,961

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Enclosures



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/759,130	01/12/2001	Sean A. McCarthy	10147-66 (MPI2000-5350MNI)

CONFIRMATION NO. 2853

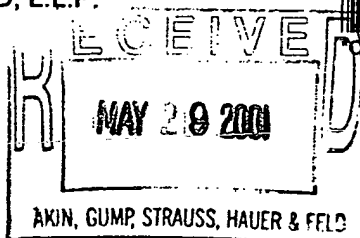
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AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P.  
ONE COMMERCE SQUARE  
2005 MARKET STREET, SUITE 2200  
PHILADELPHIA, PA 19103

## FORMALITIES LETTER



\*000000000611167\*



Date Mailed: 05/24/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

## Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.
- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

For questions regarding compliance to these requirements, please contact:

MAY 31 2001

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspt .gov or patin3help@uspt .gov

ASN, GDC

The following item(s) appear to have been omitted from the application:

DEADLINE:

7/24/01

- Figure(s) 3, 8 described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

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*A copy of this notice **MUST** be returned with the reply.*

  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY